

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

LESTER SMITH, III
REG. #03957-095

PLAINTIFF

V.

NO: 2:12CV00142 SWW

JOHNNY PAXTON *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young. No objections have been filed.¹ After careful consideration, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. Defendants' motion for summary judgment (docket entry #19) is GRANTED, and Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.
2. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 3rd day of December, 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

¹The record reflects that the Proposed Findings and Recommended Disposition mailed to plaintiff at his last known address were returned to the Clerk on November 27, 2012, marked by the United States Postal Service as undeliverable. It is the responsibility of a *pro se* plaintiff to notify the Clerk of any change in his address. See Local Rule 5.5(c)(2).